

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

<b>JOHN DOE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 3:19-cv-38</b>
<b>v.</b>	)	
	)	
<b>THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT STIPULATION OF UNDISPUTED FACTS**

The Parties in this matter stipulate and agree to the following statements of undisputed facts, in addition to the existing record and the records that already have been filed with the Court in this matter. This Joint Stipulation of Undisputed Facts does not prevent either party from submitting further evidence on or before the hearing date scheduled in this matter.

1. On August 8, 2018, the University's Deputy Title IX Coordinator sent a Notice of Investigation via e-mail to Mr. Doe.
  - a. The e-mail showing all of the documents is attached as Exhibit 1.
  - b. The Notice of Investigation is attached as Exhibit 2.
  - c. The Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence is attached as Exhibit 3.

- d. The Procedures for Reports Against Students (Investigating and Resolving Reports of Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence Committed by Students Under the Policy), is attached as Exhibit 4.
  - e. The Resource and Reporting Guide for Students (Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence) is attached as Exhibit 5.
  - f. The Notice of Investigation also attached an infographic and a list of potential advisors.
2. No Amended Notice of Investigation was issued during these proceedings.
  3. The University convened an Evaluation Panel meeting on August 6, 2018 pursuant to its procedures.
  4. Mr. Doe's activities and presence on campus were not limited or restricted in any way during the pendency of these proceedings.
  5. On August 15, 2018, Defendant John Flood ("Mr. Flood") e-mailed Mr. Doe and requested to interview him. *See* Exhibit 6.
  6. On October 8, 2018, Mr. Flood sent an e-mail to Mr. Doe informing him of a delay in the distribution of the Draft Investigation Report. *See* Exhibit 7.
  7. From August 17, 2018 to October 12, 2018, Defendant John Flood ("Mr. Flood") interviewed Ms. Roe and three witnesses.
  8. Mr. Doe exercised his right not to be interviewed.
  9. On December 18, 2018, Ms. Babb issued the Draft Investigation Report.

10. Ms. Babb gave a deadline of January 7, 2019, for Mr. Doe and Ms. Roe to respond to the information contained in the Draft Investigation Report.
11. Mr. Doe requested and received an extension. *See* Exhibit 8.
12. On January 25, 2019, Mr. Doe submitted his response and Affidavit to the Draft Investigation Report and receipt by Mr. Flood was confirmed by Mr. Flood.
13. While Mr. Flood stated that Ms. Roe did not respond to the Draft Investigation Report, Mr. Flood shared Mr. Doe's January 25, 2019 response with her.
14. On February 7, 2019, Mr. Flood shared with Mr. Doe, Ms. Roe's comments to Mr. Doe's response.
15. Mr. Flood granted permission for Mr. Doe to further respond to Ms. Roe's comments by February 13, 2019.
16. On February 13, 2019, Mr. Doe submitted his response to Ms. Roe's response. Mr. Doe's February 13, 2019 response included written comments and an additional Supplemental Affidavit.
17. Mr. Flood confirmed receipt of the documents on February 13, 2019. *See* Exhibit 9.
18. Mr. Doe did not receive any communications or any notices from the Defendants or anyone else within the Title IX office from February 14, 2019, to May 1, 2019.
19. On May 1, 2019, Ms. Babb notified Mr. Doe that his degree would be withheld. *See* Exhibit 10.
20. Mr. Doe was no longer enrolled or registered for classes by May 18, 2019.

21. The University's graduation ceremonies occurred on May 18, 2019, and May 19, 2019.

22. Mr. Doe had met all degree requirements by the time of the graduation ceremonies, and had no misconduct proceedings pending with the exception of the investigation that was the subject of the August 8, 2018 Notice of Investigation.

23. On May 21, 2019, Mr. Flood emailed a one-day notification of the release of the Final Investigation Report.

24. On May 22, 2019, the Final Investigation Report was issued.

25. The Final Investigation Report includes in full Ms. Roe's comments regarding Mr. Doe's January 25, 2019 response.

26. The Final Investigation Report does not refer to, or include, Mr. Doe's February 13, 2019 Supplemental Affidavit and written comments.

27. The Final Investigation Report contains Ms. Roe's cellular telephone records, which she emailed to Defendant Flood on April 29, 2019.

28. The Final Investigation Report contains the transcript of an interview of a friend of Ms. Roe that Defendant Flood conducted on April 30, 2019. The friend was previously identified in the Draft Investigation Report.

29. Mr. Doe was not aware of the information gathered on April 29, 2019 and April 30, 2019, until the Final Investigation Report was issued.

30. On May 28, 2019 Mr. Doe responded to the Final Investigation Report. *See* Exhibit 11.

31. Mr. Doe was notified on June 5, 2019, that the University intended to convene a review panel hearing that would be held on July 1, 2019. *See* Exhibit 12.

JOHN DOE

By counsel

Dated: July 19, 2019

ST. JOHN, BOWLING, LAWRENCE & QUAGLIANA, LLP

By: /s/ Rhonda Quagliana  
Rhonda Quagliana (VSB# 39522)  
Francesca E. Fornari (VSB#70989)  
416 Park Street  
Charlottesville, Virginia 22902  
(434) 296-7138  
Facsimile: (434) 296-1301  
[rq@stlawva.com](mailto:rq@stlawva.com)  
[fef@stlawva.com](mailto:fef@stlawva.com)  
Counsel for Plaintiff John Doe

RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA, et al.

By: /s/ Barry T. Meek  
Barry T. Meek (VSB# 41715)  
Associate University Counsel and  
Senior Assistant Attorney General

Melissa Wolf Riley (VSB No. 43316)  
Associate University Counsel and  
Assistant Attorney General

Jasmine Yoon (VSB No. 73542)  
Associate University Counsel and  
Assistant Attorney General

Office of the University Counsel  
University of Virginia  
P.O. Box 400225  
Charlottesville, Virginia 22904-4225  
Telephone: (434) 924-3586  
Facsimile: (434) 982-3070  
E-mail: [bmeek@virginia.edu](mailto:bmeek@virginia.edu)  
Counsel for Defendants